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## Israeli Intelligence Chief Is Given Immunity Over 2 Slain Hijackers

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JERUSALEM, June 25 — The head of Israel's domestic intelligence service, accused of having ordered and then covered up the slayings of two captured Palestinian hijackers in April 1984, resigned today in exchange for immunity from prosecution.

Three top deputies of the official, Avraham Shalom, were also granted immunity, but were allowed to keep their jobs, Government officials said.

The three deputies, who were implicated in covering up the episode, were identified as two lawyers who work for the domestic intelligence service, Shin Beth, and a senior aide to Mr. Shalom. Shin Beth is roughly equivalent to the Federal Bureau of Investigation.

The arrangement was immediately denounced as a "whitewash" and "a cover-up" by some Israeli lawyers, Justice Ministry officials, newspaper editors, Members of Parliament and even some Labor Cabinet ministers.

Whether the Labor-Likud coalition Government will be allowed to close the case in this unusual manner is not clear. Four no-confidence motions were put forward in Parliament by left-wing opposition parties, and legal challenges are expected to be presented to the Supreme Court by citizens groups.

Attorney General Yosef Harish had said for the last two weeks that some kind of investigation into the killings and cover-up was necessary, and he had promised to announce publicly today what form it would take.

### A Meeting Until 1 A.M.

But late Tuesday night, Mr. Harish held a lengthy meeting with Prime Minister Shimon Peres, Foreign Minister Yitzhak Shamir, Defense Minister Yitzhak Rabin, Mr. Shalom and Justice Minister Yitzhak Modai, along with a battery of lawyers for all the parties. It was during this meeting, lasting until 1 A.M., that the deal was struck enabling Mr. Shalom to resign in return for a grant of immunity from President Chaim Herzog. The deal was formally announced this morning by the Cabinet Secretary, Yossi Beilin.

After the announcement, Attorney General Harish said he had not been a party to any deals. He told the Israel radio that in the meeting Tuesday night he had informed the Cabinet ministers and Mr. Shalom that there was no alternative to a police investigation or a state commission of inquiry.

Mr. Harish said his tough line was

what prompted Mr. Shalom to resign and seek presidential immunity for himself and the three assistants. Mr. Harish said he was not aware that after he gave his opinion on Tuesday night, the Justice Minister, acting for the Cabinet, went to the President and recommended a pardon for the Shin Beth officials.

### 'No Harm Done'

"I only learned of this after the fact," said Mr. Harish, adding, "There was no harm done to the rule of law if the President saw fit to advance the pardon before there were charges."

Since the President pardoned the Shin Beth chief before a police investigation could be started, Mr. Harish said, an investigation now "seems pointless."

As a result, he indicated that he would not be ordering any further inquiry into the affair.

Political commentators in Israel said today that Mr. Harish's contention that no deals were struck "strains believability."

After the resignation-for-amnesty arrangement was worked out Tuesday night, Mr. Peres summoned the inner cabinet of key Likud and Labor ministers at 6 this morning to endorse it. The vote was 8 to 1 in favor, with only Ezer Weizman, Minister Without Portfolio, voting against the arrangement.

### 2 Other Issues Blocked

The deal not only gets Mr. Shalom out of a difficult situation but also prevents two other potentially explosive issues from coming to light.

The first, according to Government sources, is the fact that both Mr. Peres and Mr. Shamir were worried that if Mr. Shalom were investigated and tried in connection with the accusations that he ordered and then covered up the murder of the two Palestinian hijackers, the Shin Beth chief would cite as precedents in his defense previous "unorthodox" and potentially illegal Shin Beth actions that may have been approved by the political leadership.

Second, Israeli press reports have repeatedly suggested that Mr. Shamir, who was Prime Minister when the bus hijacking took place, approved in some way Mr. Shalom's cover-up. Mr. Shamir, who is due to take over again as Prime Minister in October, according to his power-sharing agreement with Mr. Peres, has never categorically denied the reports.

Mr. Harish assumed the post of Attorney General on June 1 after his predecessor, Yitzhak Zamir, had amassed a large amount of evidence against the head of Shin Beth and his three aides. Mr. Zamir turned the evi-

dence over to the police two months ago and refused to heed the demands of Mr. Peres and Mr. Shamir that he avoid an inquiry. As result, the Cabinet replaced Mr. Zamir with Mr. Harish.

Jurists in the Justice Ministry were quoted by the Israel radio as expressing "shock and outrage" at the immunity arrangement. They described the arrangement as without precedent or any basis in law.

They pointed to the time last year when Mr. Zamir, then the Attorney General, was asked by right-wing politicians whether it would be possible for the President to grant an amnesty to Jewish terrorist suspects while their trials were still in progress. Mr. Zamir ruled such a move illegal. The trials, he said, would first have to be completed.

Mr. Zamir based his decision on the pardon law, which reads, "The President has the authority to pardon criminals and lighten their punishment by reducing their sentences or canceling them." A pardon, Mr. Zamir ruled, could not be granted before someone was convicted as a criminal.

But it is the same law that the President used to pardon Mr. Shalom. This time, however, the Attorney General was not consulted. The President justified the move in a nationwide television address by saying it was necessary to "preserve" Shin Beth.

### Pardon Without a Conviction

In effect, Israeli legal scholars said today, Mr. Shalom and his aides were granted pardons for crimes for which they were never formally investigated, charged with or convicted. The state has made them free of prosecution without knowing the full extent of their possible guilt.

A former Justice Minister Haim Zadok, summed up the attitude of many legal authorities when he said in an interview with the Israel radio that the Justice Minister had no legal right to ask the President to grant amnesty and the President had no authority to pardon the Shin Beth chief before a conviction.

"The essence of amnesty is mercy," Mr. Zadok said. "In this case, the amnesty was not out of mercy, but with one object: to prevent an investigation and an exposure of the truth. This is a black day for the rule of law. The allegations of serious offenses will not be investigated, the truth will never come to light, those guilty will never be tried."

At the same time, Mr. Zadok said, "there will be no investigation of the political level."

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2

"If anyone there is guilty," Mr. Zadok said, " he has received full cover. The message of all this to men in the security services is: 'You can commit serious offenses. You are immune from justice. You will not be punished. You will receive amnesty, and in the worst case, you will have to resign.' The message to the politicians is, 'You can do whatever you want, and you will not bear responsibility.'"

#### **Calls Decision 'a Sham'**

A left-wing Member of Parliament, Yossi Sarid, said: "I am surprised that the head of the Shin Beth is willing to carry the mark of a criminal for his whole life, if he does not deserve it. If he does deserve it, he should be investigated. This decision is a sham."

But a Likud Member of Parliament, Ehud Olmert, like all members of his party, defended the decision as "correct, smart and elegant."

"It is a formula that takes into account the apparent offense and the national security implications in a balanced and responsible way," he said.

The hijacking began on April 12, 1984, when four Palestinians took over a bus filled with Israeli civilians near Ashkelon. After a nightlong vigil, Israeli troops stormed the bus and freed the passengers.

A young army woman and two of the Palestinian hijackers were killed during the action. But two other hijackers — two cousins, Majdi and Subhi Abu-Jumas — were taken off the bus alive. They were first questioned by the Israeli commanding officer on the scene, Brig. Gen. Yitzhak Mordechai, and then turned over to Shin Beth for further questioning.

Officials have said that the Shin Beth chief, Mr. Shalom, who was present at the time, ordered that the two captured hijackers be clubbed to death. After the Government ordered several commissions of inquiry to investigate how the hijackers died, Mr. Shalom was said to have tampered with evidence and coordinated all the testimony of Shin Beth officials to make it appear that he and his men had nothing to do with the deaths of the two cousins and that General Mordechai was responsible.